

108TH CONGRESS
1ST SESSION

H. R. 3247

To provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2003

Mr. TANCREDO (for himself, Mr. MCINNIS, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Trail Responsibility
3 and Accountability for the Improvement of Lands Act
4 (TRAIL Act) of 2003”.

5 **SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARD-**
6 **ING NATIONAL PARK SYSTEM LANDS, NA-**
7 **TIONAL FOREST LANDS, AND OTHER PUBLIC**
8 **LANDS.**

9 (a) LANDS UNDER JURISDICTION OF BUREAU OF
10 LAND MANAGEMENT.—Section 303(a) of the Federal
11 Land Policy and Management Act of 1976 (43 U.S.C.
12 1733(a)) is amended by striking the second sentence and
13 inserting the following new sentences: “A violation of any
14 such regulation shall be a Class B misdemeanor, except
15 that a person who knowingly and willfully violates any
16 such regulation shall be guilty of a Class A misdemeanor,
17 subject to fine as provided in section 3571 of title 18,
18 United States Code, or imprisonment as provided in sec-
19 tion 3581 of that title, or both. A person who violates any
20 such regulation may also be adjudged to pay all costs of
21 the proceedings.”.

22 (b) NATIONAL PARK SYSTEM LANDS.—

23 (1) ENFORCEMENT.—Section 3 of the Act of
24 August 25, 1916 (popularly known as the National
25 Park Service Organic Act; 16 U.S.C. 3) is amended
26 in the first sentence—

1 (A) by striking “That the Secretary” and
2 inserting “(a) Regulations for Use and Manage-
3 ment of National Park System; Enforcement.—
4 The Secretary”; and

5 (B) by striking “Service,” and all that fol-
6 lows through “proceedings.” and inserting the
7 following: “Service. A violation of any such rule
8 or regulation shall be a Class B misdemeanor,
9 except that a person who knowingly and will-
10 fully violates any such rule or regulation shall
11 be guilty of a Class A misdemeanor, subject to
12 fine as provided in section 3571 of title 18,
13 United States Code, or imprisonment as pro-
14 vided in section 3581 of that title, or both. A
15 person who violates any such rule or regulation
16 may also be adjudged to pay all costs of the
17 proceedings.”.

18 (2) CONFORMING AMENDMENTS.—Such section
19 is further amended—

20 (A) by striking “He may also” the first
21 place it appears and inserting the following:

22 “(b) SPECIAL MANAGEMENT AUTHORITIES.—The
23 Secretary of the Interior may”;

1 (B) by striking “He may also” the second
2 place it appears and inserting “The Secretary
3 may”; and

4 (C) by striking “No natural,” and insert-
5 ing the following:

6 “(c) LEASE AND PERMIT AUTHORITIES.—No nat-
7 ural”.

8 (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—
9 Subsection (f) of section 4 of the National Wildlife Refuge
10 System Administration Act of 1966 (16 U.S.C. 668dd) is
11 amended to read as follows:

12 “(f) PENALTIES FOR VIOLATIONS.—

13 “(1) PENALTIES.—A violation of this Act or
14 any regulation issued thereunder shall be a Class B
15 misdemeanor, except that a person who knowingly
16 and willfully violates this Act or any regulation
17 issued thereunder shall be guilty of a Class A mis-
18 demeanor, subject to fine as provided in section
19 3571 of title 18, United States Code, or imprison-
20 ment as provided in section 3581 of that title, or
21 both. A person who violates this Act or any regula-
22 tion issued thereunder may also be adjudged to pay
23 all costs of the proceedings.”.

24 (d) NATIONAL FOREST SYSTEM LANDS.—The elev-
25 enth undesignated paragraph under the heading “sur-

1 veying the public lands” of the Act of June 4, 1897 (16
 2 U.S.C. 551), is amended by striking “destruction; and
 3 any” and all that follows through “or both.” and inserting
 4 the following: “destruction. A violation of any such rule
 5 or regulation shall be a Class B misdemeanor, except that
 6 a person who knowingly and willfully violates any such
 7 rule or regulation shall be guilty of a Class A mis-
 8 demeanor, subject to fine as provided in section 3571 of
 9 title 18, United States Code, or imprisonment as provided
 10 in section 3581 of that title, or both. A person who violates
 11 any such rule or regulation may also be adjudged to pay
 12 all costs of the proceedings.”.

13 **SEC. 3. CONSISTENT AUTHORITIES REGARDING USE OF**
 14 **COLLECTED FINES.**

15 (a) LANDS UNDER JURISDICTION OF BUREAU OF
 16 LAND MANAGEMENT.—Section 305 of the Federal Land
 17 Policy and Management Act of 1976 (43 U.S.C. 1735),
 18 is amended by adding at the end the following new sub-
 19 section:

20 “(d) USE OF COLLECTED FINES.—

21 “(1) AVAILABILITY AND AUTHORIZED USE.—

22 Any moneys received by the United States as a re-
 23 sult of a fine imposed under section 3571 of title 18,
 24 United States Code, for a violation of a regulation
 25 prescribed under section 303(a) shall be available to

1 the Secretary, without further appropriation and
2 until expended, for the following purposes:

3 “(A) To cover the cost to the United
4 States of any improvement, protection, or reha-
5 bilitation work on the public lands rendered
6 necessary by the action which led to the fine.

7 “(B) To increase public awareness of regu-
8 lations and other requirements regarding the
9 use of the public lands.

10 “(2) RETURN OF EXCESS FUNDS TO TREAS-
11 URY.—Moneys referred to in paragraph (1) that the
12 Secretary determines are excess to the amounts nec-
13 essary to carry out the purposes specified in such
14 paragraph shall be transferred to miscellaneous re-
15 ceipts.”.

16 (b) NATIONAL PARK SYSTEM LANDS.—Section 3 of
17 the Act of August 25, 1916 (popularly known as the Na-
18 tional Park Service Organic Act; 16 U.S.C. 3), as amend-
19 ed by section 2(b), is further amended by adding at the
20 end the following new subsection:

21 “(d) USE OF COLLECTED FINES.—

22 “(1) AVAILABILITY AND AUTHORIZED USE.—
23 Any moneys received by the United States as a re-
24 sult of a fine imposed under section 3571 of title 18,
25 United States Code, for a violation of a rule or regu-

1 lation prescribed under this section shall be available
2 to the Secretary of the Interior, without further ap-
3 propriation and until expended, for the following
4 purposes:

5 “(A) To cover the cost to the United
6 States of any improvement, protection, or reha-
7 bilitation work on the National Park System
8 lands rendered necessary by the action which
9 led to the fine.

10 “(B) To increase public awareness of rules,
11 regulations, and other requirements regarding
12 the use of such lands.

13 “(2) RETURN OF EXCESS FUNDS TO TREAS-
14 URY.—Moneys referred to in paragraph (1) that the
15 Secretary determines are excess to the amounts nec-
16 essary to carry out the purposes specified in such
17 paragraph shall be transferred to miscellaneous re-
18 ceipts.”.

19 (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—
20 Subsection (f) of section 4 of the National Wildlife Refuge
21 System Administration Act of 1966 (16 U.S.C. 668dd),
22 as amended by section 2(c), is further amended by adding
23 at the end the following new paragraphs:

24 “(2) USE OF COLLECTED FINES.—Any moneys
25 received by the United States as a result of a fine

1 imposed under section 3571 of title 18, United
2 States Code, for a violation of this Act or a regula-
3 tion issued thereunder shall be available to the Sec-
4 retary, without further appropriation and until ex-
5 pended, for the following purposes:

6 “(A) To cover the cost to the United
7 States of any improvement, protection, or reha-
8 bilitation work on the System lands rendered
9 necessary by the action which led to the fine.

10 “(B) To increase public awareness of rules,
11 regulations, and other requirements regarding
12 the use of System lands.

13 “(3) RETURN OF EXCESS FUNDS TO TREAS-
14 URY.—Moneys referred to in paragraph (2) that the
15 Secretary determines are excess to the amounts nec-
16 essary to carry out the purposes specified in such
17 paragraph shall be transferred to miscellaneous re-
18 ceipts.”.

19 (d) NATIONAL FOREST SYSTEM LANDS.—Section 7
20 of the Act of June 20, 1958 (16 U.S.C. 579c), is amend-
21 ed—

22 (1) by inserting “(a) Treatment of Certain
23 Moneys Received on Behalf of Forest Service.—”
24 before “Any funds”;

1 (2) by striking “contract or (2)” and inserting
2 “contract, (2)”;

3 (3) by inserting after “improvements,” the fol-
4 lowing: “or (3) as a result of a fine imposed under
5 section 3571 of title 18, United States Code, for a
6 violation of a rule or regulation prescribed by the
7 Secretary of Agriculture with respect to such
8 lands,”;

9 (4) by striking “to cover” and all that follows
10 through the end of the section and inserting the fol-
11 lowing: “for the purposes specified in subsection
12 (b).”; and

13 (5) by adding at the end the following new sub-
14 section:

15 “(b) AUTHORIZED USE.—

16 “(1) IN GENERAL.—The moneys referred to in
17 subsection (a) shall be available to the Secretary of
18 Agriculture for the following purposes:

19 “(A) To cover the cost to the United
20 States of any improvement, protection, or reha-
21 bilitation work on National Forest System lands
22 rendered necessary by the action which led to
23 the fine, forfeiture, judgment, compromise, or
24 settlement.

1 “(B) To increase public awareness of rules,
2 regulations, and other requirements regarding
3 the use of such lands.

4 “(2) RETURN OF EXCESS FUNDS TO TREAS-
5 URY.—Moneys referred to in subsection (a) that the
6 Secretary determines are excess to the amounts nec-
7 essary to carry out the purposes specified in para-
8 graph (1) shall be transferred to miscellaneous re-
9 ceipts.”.

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